



PLANNING COMMISSION MINUTES

Meeting of June 12, 2014

City Hall Council Chambers * 290 North 100 West Logan, UT 84321 * www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session Thursday, June 12, 2014. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: David Adams, Amanda Davis, Angela Fannesbeck, Maybell Romero

Planning Commissioners Absent: Russ Price, Sara Sinclair, Garrett Smith

Staff Present: Mike DeSimone, Russ Holley, Amber Reeder, Kymber Housley, Bill Young, Craig Humphreys, Debbie Zilles

City Recorder, Teresa Harris, presented the oath of office to Maybell Romero.

Minutes as written and recorded from the May 22, 2014 meeting were reviewed. Commissioner Fannesbeck moved that the minutes be approved as submitted. Commissioner Romero seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

PC 14-028 Bishop's Storehouse Subdivision Subdivision, Code Amendment & Zone Change. Joseph Needham/Utah Festival Opera Company, authorized agent/owner request an amendment to the Land Development Code (LDC) §17.33 regarding the X-Overlay zone and a 3-lot residential subdivision on 1.5 acres at 55 North 200 West in the Neighborhood Residential-Historic District (NR-6 HDX) zone; TIN 06-023-0029.

STAFF: Mr. Holley reviewed the Staff Report as written. The proposal is to subdivide the parcel into three (3) lots, with Lot# 1 containing 23,229 SF, 92.3' of street frontage and the existing Bishop's Storehouse and shed structure, Lot# 2 being vacant containing 10,808 SF and 68' of street frontage, Lot# 3 being vacant, containing 11,351 SF and 68' of street frontage. The remainder of the property (26,565 SF) would be adjusted into the boundary of the Watson property at 235 West Center Street (TIN 06-023-0003).

The base zoning of NR-6 as described in the Land Development Code (LDC) 17.15.070 allows parcels no smaller than 6,000 SF with a minimum width of 50' and a maximum density of six (6) units per acre. As proposed and contingent on the Code amendment being adopted, the subdivision meets the requirements of the LDC.

The proposal is to allow subdivisions of parcels located inside the "X" Overlay portion of the Center Street Historic District if a parcel is at least 1.5 acres in size, has more than 220' of continuous frontage along a public street and only creates two (2) additional parcels (3-lot subdivision). The property associated with the proposal, also known as the Bishop's Storehouse, is currently 1.65 acres in size, has 228' of public street frontage and is proposing two (2) additional building lots.

Currently, three (3) parcels inside the “X” Overlay boundary meet the proposed Code amendment criteria and include: the LDS Tabernacle at 50 North Main (8.3 acres & 605’ street frontage), the LDS Temple at 175 East 300 North (9.2 acres & 605’ street frontage) and the Bishop’s Storehouse. Staff believes this particular property would be appropriate to subdivide and develop single-family homes in a traditional pattern facing the street with a scale and style that is compatible to adjacent blocks in the Historic District. The location and configuration of the property is not appropriate for storage and warehousing because of the adjacency of residential homes, the size and capacity of 200 West and the historic nature of the neighborhood. As currently displayed, a property of this size and shape in this area becomes difficult for one to maintain in an acceptable manner. Typically, dilapidated and poorly maintained properties negatively impact adjacent properties.

The addition of two new single-family homes properly designed and reviewed by the Logan City Historic Committee along with an appropriate re-model of the Bishop’s Storehouse into a single-family home, will actually place the property into a pattern that is similar to the blocks in the residential areas of the Historic District, with homes lining the perimeter of the block facing outward to the adjacent street. Also, two additional homes facing 200 West will better enclose and balance the streetscape. Staff has found that this proposal will not directly conflict with the goals and policies within the General Plan and should improve the neighborhood.

PROPONENT: Joseph Needham has grown up next to this property. In the 1950’s there were homes located on this parcel. The proposal is for three new homes (warehouse will be converted into a home) which would be compatible with the neighborhood.

Commissioner Adams asked about the back (west) infill area. Mr. Needham explained that this is an inner core area which has a right-of-way that is connected to the existing fields. The owner of that part, Mr. Watson, plans to use that space as an orchard (currently a grass field). He explained that the X-Overlay will protect this area from ever becoming a flaglot or multi-family dwelling.

Chairman Davis pointed out that the warehouse, once turned into a residence, will no longer be grandfathered for the current warehouse/storage use. Mr. Needham said he is aware of that. The front of the warehouse will be the living space and will have a façade that matches the character of the neighborhood and the back portion will be garage/storage. The design will be reviewed and approved by the Historic Preservation Committee.

PUBLIC: Emails from Chris & Ellie McGinty and Mark Leyda outlining concerns were received prior to the meeting.

Chris McGinty said he is pleased this did not become a dance studio as had been proposed last fall. This is a fine piece of property and he wants it to maintain the feel of the National Historic District. At the Commission meeting held in November 2013, it was noted that parcels in the Historic District could not be subdivided. He is concerned that this is a change of the rules to accommodate a specific project. Infill can be good in some areas, however not in this location. He would like to have some assurance that the back area cannot be developed. While initially opposed to the subdivision, he does believe Mr. Needham has “thought this through” and this dilapidated area does need some improvement; however there are always other options.

Frank Coppin, 209 West Center, said most of the neighbors are strongly in favor of this proposal. For a number of years, this area has become blighted. There have been a number of proposed uses, however, he cannot think of a better use for this property. Although he likes the current open space he would rather see the property taken care of. He has been neighbors with Mr. Watson for many years and said he takes very good care of his property.

Blake Parker, representing Mr. Needham, has worked with this property for many years. One of his concerns was that it would end up continuing as a warehouse. He is excited about this opportunity to improve the current blight and turn it into an asset for neighborhood.

COMMISSION: Chairman Davis asked if there could ever be a scenario where another home could be built in that back area. Mr. Holley explained that it currently has a right-of-way that runs along the back alley. If the amendment is adopted, once the subdivision is recorded the property would not be eligible to further subdivide.

Mr. Holley pointed out that currently the warehouse is a grandfathered nonconforming use, which could potentially expand with a Conditional Use Permit. Staff feels this use is not appropriate or compatible with the area and is encouraging recommendation of this proposal. Once the structure is converted to a single-family home, the grandfathering (warehouse) status is lost.

Mr. Holley explained that the Historic Preservation Committee has been notified about this project. The conversion of the warehouse into a residence and the two new homes will have to meet the Historic District guidelines and be reviewed and approved.

Chairman Davis said she is not happy about an amendment for one specific project; however, she is pleased to see something done with this property and that it will be done tastefully. Commissioner Adams agreed.

MOTION: Commissioner Adams moved to **conditionally approve** a Subdivision Permit with the conditions of approval as listed below and **recommend approval** to the Municipal Council for an amendment to the Land Development Code (LDC) §17.33 and a zone change as outlined in PC 14-028. Commissioner Romero seconded the motion.

CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. Three (3) lots are approved with this project.
3. The subdivision plat shall be recorded with 12 months of approval in accordance with LDC §17.58.
4. Standard streetscape improvements shall be in place prior to the issuance of final occupancy for the adjacent public street frontage(s) along all building lots.
5. Street trees are required every 30' on center prior to the final Certificate of Occupancy for each home. If occupancy is desired outside of the planting periods a landscape bond for street trees may be approved.
6. Setbacks for buildings shall be reviewed and approved at the time of the building permit.
7. Any fences or walls shall be reviewed and approved by Community Development Staff prior to installation.
8. Exterior lighting shall be down-lit and concealed source and comply with LDC §17.37.
9. Logan City standard public utility easements 5' shall be shown along property lines.
10. Prior to issuance of a building permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. Fire
 - i. Access to new residential lots from 200 West is adequate.
 - ii. Maintain a 20' wide fire access lane with no parking on the south side of the existing building.
 - iii. Lots are within 600' of fire hydrants located at 200 W. Center and 100 North 200 West.
 - b. Environmental
 - i. Will use residential cans, which will need to be placed along 200 West for collection.
 - c. Water

- i. Each lot must have own water main, existing building subject to current backflow standards if applicable.
- ii. Sprinkler systems must have currently approved backflow assembly.

FINDINGS FOR APPROVAL FOR THE SUBDIVISION PERMIT

1. The subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because the subdivision meets the minimum lot sizes and maximum allowed densities for the NR-6-HD zone.
2. After review and compliance with design standards for single-family homes, the structures built on lots 1 and 2 will be compatible and not detract with adjacent historic structures eligible for District designation.
3. The project conforms to the requirements of Title 17.47 concerning hearings, procedures, application requirements and plat preparations.
4. The project meets the goals and objectives of the NR zoning designations within the Logan General Plan by providing residential opportunities in core areas with existing services and infrastructure in the vicinity.
5. 200 West provides adequate access and services to the subdivision.
6. The minimum public noticing requirements of the Land Development Code and the Municipal Code were met.

FINDINGS FOR THE CODE AMENDMENT

1. The amendment does not conflict with the appropriate goals and policies in the General Plan pertaining to historic patterns and development.
2. The amendment allows for reinvestment and redevelopment on a dilapidated site.
3. The amendment allows for reinvestment in core areas with infrastructure already in place fulfilling some of the goals in the General Plan.
4. 200 West, providing access and utility services to the subject property, has adequate capacities and/or a suitable level of service for the permitted uses with the NR-6-HD zone.
5. The minimum public noticing requirements of the Land Development Code and the Municipal Code were met.

[Moved: Commissioner Adams Seconded: Commissioner Romero **Passed: 4-0**]

Yea: D. Adams, A. Davis, A. Fannesbeck, M. Romero Nay: Abstain:

PC 14-029 Taco Bell Design Review Permit. Matthew C. Smith/Walmart Stores Inc., authorized agent/owner, request to construct a 2,677 SF fast food restaurant on 1.17 acres located at 1150 South 100 West in the Commercial (COM) zone; TIN 02-085-0026.

STAFF: Mr. Holley reviewed the Staff Report as written, recommending approval. The proposal includes the construction of a new 2,677 SF commercial fast-food restaurant, parking lot, drive-through lane and site landscaping improvements. The proposed building is designed for both dine-in and drive-through use, both of which are permitted land uses in the Land Development Code (LDC) table §17.17.030 for Commercial (COM) zoned properties.

PROponent: Nate Hosac, the owner of the building, appreciates working with Staff on this project. He said they do not have any concerns with the recommended conditions of approval. He noted that the existing berm is likely higher than 4'.

PUBLIC: None

COMMISSION: Commissioner Adams asked about the approval process for cutting into the existing berm along 100 West. Mr. Holley said the details would be shown on the grading plan, which is submitted with the building permit application, at which time it will be reviewed to ensure all conditions of approval are met.

Chairman Davis asked about the drive-through. Mr. Holley said these are extremely difficult from a planning perspective. Restaurants generally want them located opposite of the dining space so as not to conflict with pedestrian traffic. No matter how the building is oriented, it is a challenge. The drive-through also has to account for vehicle stacking. The LDC does not specify the location of the drive-through, however, circulation is always a big concern. With this particular project, the existing berm will help with screening.

Mr. DeSimone pointed out that across the street from this location there is a Carl's Jr. and an Arby's, which both have drive-throughs visible from the street.

Chairman Adams agreed that the berm is a great advantage and he thinks this is a better use of this area than possible gas pumps and canopy.

MOTION: Commissioner Adams moved to **conditionally approve** a Design Review Permit for PC 14-029 with the conditions of approval as listed below. Commissioner Fonnesbeck seconded the motion.

CONDITIONS OF APPROVAL

1. Standard conditions of approval are recorded and available in the Community Development Department.
2. As per LDC §17.50.080, the Planning Commission allows a reduction of the 30% street-facing transparency because of the existing Walmart berm. The percentage of transparency on the west façade shall increase from the 16% proposed to 20% and additional vertical landscaping shall be provided to help screen areas of the façade that do not have windows.
3. Because the size of the berm blocks visibility and the physical challenge of creating a pedestrian connection along Hwy 89/91 while maintaining or recreating a visual screen of Walmart's parking lot, the Planning Commission, as per LDC §17.50.080, accepts only one street facing doorway along 100 West.
4. The sidewalk connection to 100 West shall maintain current screening functions for the Walmart parking lot by reshaping the berm and replanting landscaping to wrap along the east side of the sidewalk.
5. A Performance Landscaping Plan, prepared in accordance with LDC §17.39, shall be submitted for approval to the Community Development Department prior to the issuance of the building permit. The plan shall include the following:
 - a. At least 23 trees and 58 shrubs, perennials and grasses, shall be provided.
 - b. Varieties and sizes of all plant material shall be specified on the plan and plant quantities shall be per LDC §17.39.050 and include a minimum of 25% evergreen varieties for year-round visual interest.
 - c. Plant material shall be placed around the perimeter of the building footprint in a 3' minimum planting strip to screen foundations and grade changes with the exception of vehicle and pedestrian entrances, full glass facades, patios and utilities.
 - d. Any adjustments to the berm for sidewalks and/or signage shall relocate screening landscaping and berming so that the Walmart parking lot retains the same level of screening after any adjustments are made.
6. A cross-access easement or agreement shall be obtained and submitted with the building permit application allowing Taco Bell to cross Walmart property for vehicular access.
7. All dumpsters shall be visually screened or buffered from public streets by either the use of landscaping, fencing or walls.
8. Parking shall total a minimum of 17 stalls and will be reviewed for compliance as per the building permit process.
9. All pedestrian entrances shall have adequate weather protection provided.
10. Exterior lighting shall be concealed source, down-cast and reviewed and approved prior to the issuance of a building permit and shall comply with current LDC regulations.

11. No signs are approved with this permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
12. No fences are approved with this permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
13. Prior to issuance of a building permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. Water
 - i. Must have own building water main with approved backflow assembly before any lines are removed.
 - ii. Must have approved backflow assembly installed in sprinkler system.
 - b. Environmental
 - i. Minimum inside measurement on dumpster enclosure is 12' wide X 10' deep. Provide second enclosure if a recycle container is also desired (24' wide X 10' deep needed). The location is ok and the gates should be able to be locked in the fully open position.
 - c. Fire
 - i. Access through east Walmart parking lot needs to accommodate largest fire apparatus.
 - ii. A fire hydrant within 400' of the building or within 100' of the FDC if the building is equipped with a fire sprinkler system.

FINDINGS FOR APPROVAL

1. The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, materials, landscaping, and setbacks to adjacent development.
2. The Planning Commission considers the north point of the triangular shaped property undevelopable because of the minimal depth and determines that only 180' feet of frontage should apply when calculating building frontage.
3. Because of the existing landscaped berm required to screen Walmart's parking lot, total compliance with transparency and doorway orientation become particularly irrelevant because of the proposed building's limited visibility and functionality.
4. The project provides adequate open and useable outdoor space in conformance with Title 17.
5. The project provides adequate off-street parking in conformance with Title 17.
6. The project meets the goals and objectives of the COM designation within the Logan General Plan by providing high-quality commercial services near high capacity roadways and is designed in way for easy circulation of both pedestrians and automobiles.
7. The goals and objectives in the General Plan are met by creating efficient infill and redevelopment that better utilizes and puts less strain on existing utilities, infrastructure and roadways.
8. The project complies with maximum height, density and building design standards and is in conformance with Title 17.
9. The minimum public noticing requirements of the Land Development Code and the Municipal Code were met.
10. 100 West provides access and is adequate in size and design to sufficiently handle automobile traffic related to the land use.

[Moved: Commissioner Adams Seconded: Commissioner Fannesbeck **Passed: 4-0**]

Yea: D. Adams, A. Davis, A. Fannesbeck, M. Romero Nay: Abstain:

PC 14-023 LDC – 17.47 & 17.58 *(continued from the May 22 meeting)* Code Amendment. Logan City requests to amend the Land Development Code Section 17.47 & 17.58 to clarify subdivision application, phasing recordation requirements and procedures for permit expiration and extensions of time.

STAFF: Mr. DeSimone reviewed the Staff Report as written. The proposed text amendments amend both the Subdivision standards contained in Chapter 17.47 and the Expiration and Extensions of Time standards contained in Chapter 17.58.

The purpose of the amendment to 17.47 is to clarify the phasing language for plats and updating the City's subdivision standards to ensure they are consistent with recent changes to the state subdivision standards.

The purpose of the amendment to 17.58 is to clarify the existing subdivision phasing language, clarify the permit expiration and extension language, and add a reference to an extension fee.

PUBLIC: None

COMMISSION: Commissioner Adams suggested changing "*latest fee schedule*" to "*current fee schedule*" in §17.47.040 to avoid confusion.

Chairman Davis suggested changing the time in Chapter 17.58 to a consistent format (i.e. "*12 months*", "*one year*", "*twelve months*").

Chairman Davis asked about approving extensions. Mr. DeSimone explained they can be allowed if there are legitimate reasons. The findings in §17.58.030 must be made in order for an approval.

Chairman Davis questioned "*good faith effort*". Mr. DeSimone feels comfortable with this language and advised it can be demonstrated through meeting the conditions of approval. For example, if many conditions have been met, but there is difficulty with one or more, that shows that a "*good faith effort*" has been executed.

Commissioner Davis asked about "*temporary address*" in §17.47.070. Bill Young, the City Engineer, explained that this comes into play when there is a corner lot that could have two options for addressing depending on the orientation of the home on the property.

MOTION: Commissioner Fannesbeck moved to **recommend approval** to the Municipal Council for an amendment to the Land Development Code (LDC) §17.47 & 17.58 as outlined in PC 14-023. Commissioner Adams seconded the motion.

FINDINGS FOR APPROVAL

1. Utah state law authorizes local Planning Commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The amendment is in conformance with the requirements of Logan Municipal Code Title 17.51.
3. The amendment is generally administrative in nature to clarify the platting and permit administration processes.
4. The general language amendments elsewhere are minor in nature.
5. The provisions of the Subdivision Standards are consistent with the overall goals and objectives of the Logan General Plan.
6. The amendments to the Subdivision Standards are consistent with the State Subdivision and Platting Standards.
7. No public comment has been received regarding the proposed amendment.

[Moved: Commissioner Fannesbeck Seconded: Commissioner Adams Passed: 4-0]

Yea: D. Adams, A. Davis, A. Fannesbeck, M. Romero Nay: Abstain:

WORKSHOP ITEM(S) for June 26, 2014 meeting

- ✓ PC 14-030 FedEx Relocation

Meeting adjourned at 6:39 p.m.

Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of June 12, 2014.

Michael A. DeSimone
Community Development Director

Russ Price
Planning Commission Vice-Chairman

Russ Holley
Senior Planner

Amber Reeder
Planner II

Debbie Zilles
Administrative Assistant